

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**March 17, 2004**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., March 17, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Fulton Brock, District 1; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

**MINUTES**

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (5-0) to approve the minutes from meetings held on January 21, 2004.

**FLOOD CONTROL DISTRICT AGENDA**

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**EASEMENTS, RIGHT-OF-WAY DOCUMENTS**

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

**EMF Capacity Mitigation Basin (Per: Resolution FCD 1999R014)**

Item 9907.001, 007, 008; Warranty Deed from Roosevelt Water Conservation District, a political subdivision of the State of Arizona to the Flood Control District of Maricopa County for the sum of \$1,530,965.00.

Item 9907.001, 007, 008; Escrow Instructions.

Item 9907.001, 007, 008; Addendum to Purchase Agreement and Escrow Instructions.

**White Tanks #3 Project (Per: Resolution FCD 2000R014)**

Item WT3-04, Warranty Deed from Bethany & Jackrabbit, L.L.C., an Arizona limited liability company to the Flood Control District of Maricopa County for the sum of \$1,134,000.00.

Item WT3-4, Escrow Instructions.

**Property Management – Skunk Creek at I-17 (Per: Resolution FCD 1999R016)**

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Item U202, Permanent Drainage Easement to Dynamite Mountain Ranch Homeowners Association, an Arizona Corporation from Flood Control District of Maricopa County for the sum of \$4,732.00.

**RESOLUTION – SPOOK HILL FLOOD RETARDING STRUCTURE**

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (5-0) to adopt Resolution FCD 2003R005, Arizona Department of Transportation Modifications to Spook Hill Flood Retarding Structure Due to Construction of the Loop 202L Freeway Project. This resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to negotiate intergovernmental agreements (IGAs) with the Arizona Department of Transportation (ADOT) and others, as appropriate, for coordination, cost-sharing opportunities that benefit the Flood Control District of Maricopa County operations, design, utility relocations, permitting, rights-of-way use, construction, construction management, and operation and maintenance responsibilities subject to the approval and ratification of the Board of Directors of the District. (C69040656) (ADM1900)

**RESOLUTION FCD 2003R005  
ARIZONA DEPARTMENT OF TRANSPORTATION MODIFICATIONS TO  
SPOOK HILL FLOOD RETARDING STRUCTURE  
DUE TO CONSTRUCTION OF THE LOOP 202L FREEWAY**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District of Maricopa County (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems in Maricopa County; and,

**WHEREAS**, the Spook Hill Flood Retarding Structure (Spook Hill FRS) is a structural plan element of the Watershed Work Plan for the Buckhorn-Mesa Watershed Project located in Maricopa and Pinal Counties, Arizona prepared by the Natural Resources Conservation Service (NRCS; formerly Soil Conservation Service) in January 1963; and,

**WHEREAS**, the Spook Hill FRS was constructed and completed by NRCS in 1980 with the Flood Control District of Maricopa County (District) as the local sponsor; and,

**WHEREAS**, the District operates and maintains the Buckhorn-Mesa Watershed Project, which includes the Spook Hill FRS under agreements with the NRCS; and,

**WHEREAS**, the Arizona Department of Water Resources (ADWR) is the jurisdictional agency for dam safety for Spook Hill FRS; and,

**WHEREAS**, the Buckhorn-Mesa Watershed Project is an integrated system of floodwater retarding structures and floodways; and,

**WHEREAS**, the Spook Hill FRS was designed to impound floodwaters for a 100-year flood event; and,

**WHEREAS**, flows discharged from the Signal Butte Floodway, in conjunction with stormwater runoff from the Spook Hill FRS watershed, are impounded and conveyed north by the Spook Hill Floodway to the Salt River; and,

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**WHEREAS**, the Red Mountain Freeway is a major element of the Maricopa Association of Governments (MAG) adopted Regional Freeway System in the East Valley of Maricopa County and a Final Environmental Impact Statement (FEIS) was approved by the Federal Highway Administration in 1999 for the Red Mountain Freeway corridor between Country Club Drive (SR87) and Highway US60; and,

**WHEREAS**, the design basis for the FEIS is the 1988 Design Concept Report (DCR), which located the freeway segment between Power Road to University Drive (Loop 202L) adjacent to and immediately upstream of the Spook Hill FRS; and,

**WHEREAS**, the Loop 202L segment of the freeway, as proposed in the FEIS, will pass over Power Road, the Central Arizona Project (CAP) Canal, and the Spook Hill FRS; and,

**WHEREAS**, the freeway is to be located adjacent to the Spook Hill FRS within the flood pool and at the south end of this segment of the freeway, the Red Mountain Freeway will again pass over the Spook Hill FRS and CAP Canal and will then transition to become a depressed freeway at University Drive; and;

**WHEREAS**, McDowell Road, McKellips Road, and Brown Road will cross over the freeway and Spook Hill FRS with traffic interchanges at each location; and,

**WHEREAS**, the Arizona Department of Transportation (ADOT) proposes to relocate segments of the Spook Hill FRS at McDowell Road and McKellips Road to accommodate the traffic interchanges; and;

**WHEREAS**, modifications required to mitigate the impact of the freeway improvements would need to be built within District rights-of-way as proposed in the FEIS; and,

**WHEREAS**, the freeway embankment volume to be constructed within the flood retention area, as included in the 1988 DCR, will be offset with replacement volume excavated within the current flood retention area immediately upstream of the freeway; and,

**WHEREAS**, all project costs, including rights-of-way acquisitions and use fees for District-owned lands, other lands, design, permitting, utility relocations, construction, and construction management will be the responsibility of ADOT.

**NOW, THEREFORE, BE IT RESOLVED** that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements (IGAs) with ADOT and others, as appropriate, for coordination, cost-sharing opportunities that benefit District operations, design, utility relocations, permitting, rights-of-way use, construction, construction management, and operation and maintenance responsibilities, subject to the ratification and approval of the Board.

**DATED** this 17<sup>th</sup> day of March, 2004.

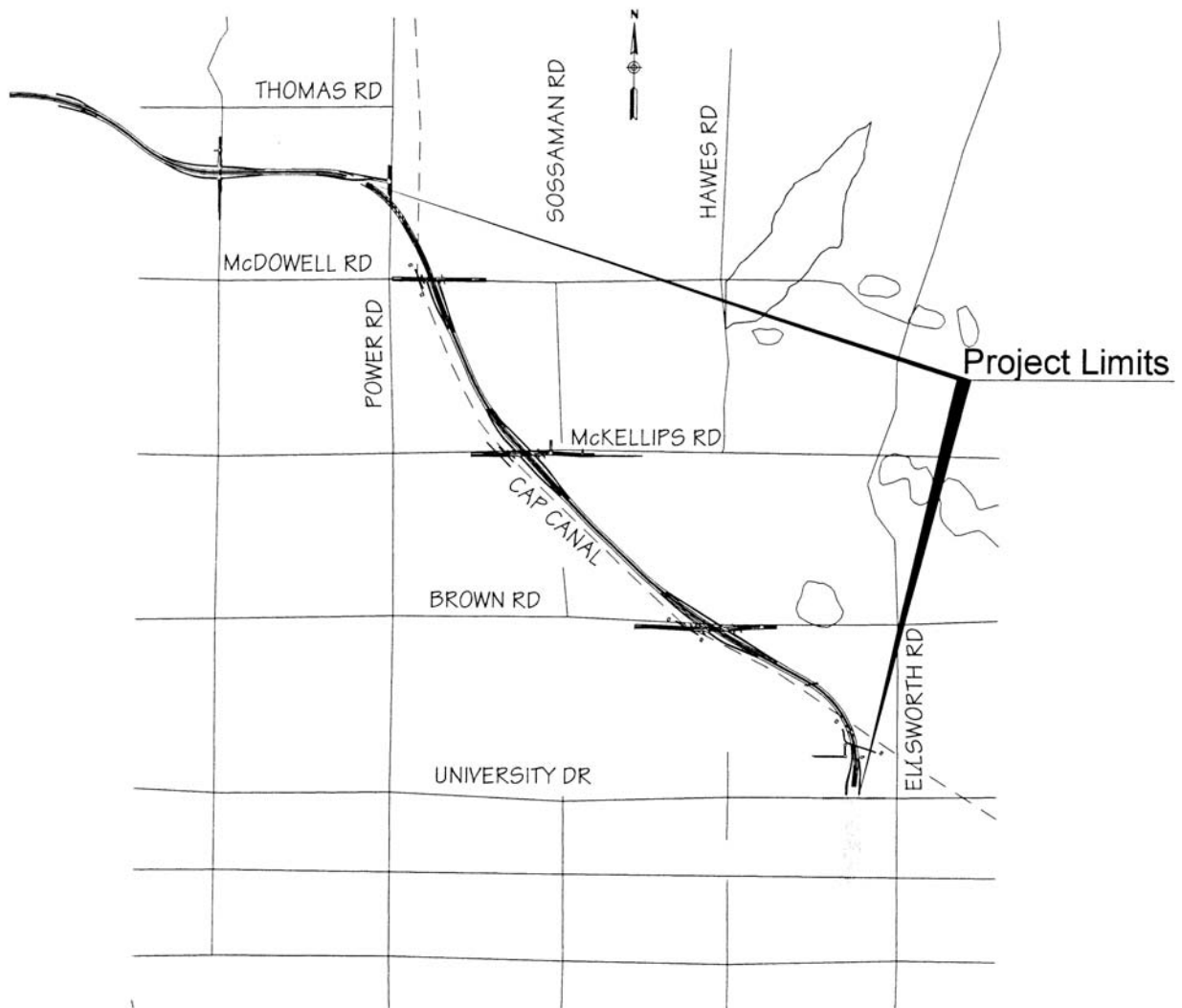
/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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RED MOUNTAIN FREEWAY (202L)  
POWER ROAD TO UNIVERSITY DRIVE



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**INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY**

Motion was made by Director Brock, seconded by Director Stapley, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2003A013, a Joint Funding Agreement between the Flood Control District of Maricopa County and the United States Geological Survey (USGS). This IGA is effective retroactive to October 1, 2003, through September 30, 2004. This IGA is a continuation of a multi-year program for the continued collection, analysis, and interpretation of water quality data associated with non-point source storm water pollution. The proposed work is described in the USGS proposal, "Determining Factors that Influence the Chemical Composition of Urban Storm Water, Maricopa County, Arizona." The District will initially be responsible for all costs associated with this agreement, or \$185,149. Through IGA's FCD 98009 with the City of Glendale (approved by the Board of Directors of the District on August 5, 1998, through Agenda Item C69990122) and FCD 98050 with the City of Phoenix (approved by the Board on September 1, 1999, through Agenda Item C69000272), the District will be reimbursed for approximately one-half of its cost, or an estimated \$92,574.50 (\$38,572.50 City of Glendale and \$54,002.00 City of Phoenix). (C69040702)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Andy Kunasek, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board